

**UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS**

UNITED STATES of AMERICA)	
)	
vs.)	NO. 19-30027-MGM
)	
ANTHONY J. SCIBELLI)	

**DEFENDANT’S MOTION FOR MODIFICATION OF PRETRIAL CONDITION OF
RELEASE**

Now comes the Defendant and hereby moves this Honorable Court to modify the pretrial conditions of release imposed by this Court by Magistrate Judge Katherine Robertson on August 19, 2019. Specifically, the Defendant requests that the “Home Incarceration” condition be stricken. Currently, the Defendant is outfitted with an electronic monitoring device which confines him to his residence at all times except as pre-approved by the Court. The Defendant is allowed to leave his home for medical appointments, for himself and for his mother, and to attend legal appointments. For the following reasons, and those that might become apparent at a hearing, the Defendant requests that this Motion be allowed.

- 1) Mr. Scibelli was arrested on July 2, 2019 and was initially brought before this Court to respond to a criminal complaint which issued earlier in the day. On the same date, the Government filed a motion for pretrial detention and Mr. Scibelli did not offer opposition at that time. On July 11, 2019, the Government obtained an indictment which alleged a single count of collection of extensions of credit by extortionate means in violation of 18 U.S.C. §894(a). On July 16, 2019, Mr. Scibelli was arraigned before this Court.
- 2) On August 14, 2019, a hearing on the Defendant’s motion for pretrial release was held before Judge Robertson. Testimony was taken from an FBI agent and exhibits were offered.

- 3) On August 19, 2019, after spending forty-five days in pretrial detention, the Defendant was ordered released with conditions.
- 4) For the past six months, the Defendant has demonstrated sustained compliance with all of the conditions imposed by this Court. The Defendant, and his elderly mother, have attended multiple medical appointments several times each week without issue. The Defendant was allowed granted permission to leave his residence on Thanksgiving and on Christmas. Otherwise, the Defendant has been confined to his home.
- 5) Defense Counsel reached out to the Government, via email on January 23, 2020, so as to determine its position concerning the Defendant's request for removal of the electronic monitor. No response has been offered as of the date of this writing.
- 6) Defense Counsel has conferred with the Probation Department concerning the electronic monitoring condition. Probation Officer Laura LaValley is supervising the Defendant and reports that there have been no issues with the Defendant. The Probation Department, per Officer LaValley, offers no objection to this Motion.
- 7) At this stage, the electronic monitoring condition with "home incarceration" presents an unnecessary restraint on the Defendant's liberty. This condition no longer serves the purpose of reasonably assuring the Defendant's presence at future Court proceedings or providing for the safety of any other person and the community. The Defendant does not present any risk of flight and does not present a danger to anyone. He is a life-long resident of Springfield and fully understands his obligations to this Court.

WHEREFORE, the Defendant for the foregoing reasons respectfully requests that that his Motion be granted.

Respectfully submitted,
THE DEFENDANT

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CERTIFICATE OF SERVICE

I, Nikolas Andreopoulos, Esq., do hereby certify that I have filed the foregoing with the Clerk of the United States District Court for the District of Massachusetts via the CM/ECF system this January 27, 2020, and that a copy will be sent electronically to the registered participant(s).

BY: /s/ Nikolas Andreopoulos

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